

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TYRONE REYNOLDS,

Plaintiff,

v.

P. ARELLANO, et al.,

Defendants.

No. 1:22-cv-01482-ADA-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(ECF Nos. 2, 3)

Plaintiff Tyrone Reynolds is proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 18, 2022, the assigned Magistrate Judge issued findings and recommendations recommending that Plaintiff's application to proceed in forma pauperis be denied on the grounds that he is financially able to pre-pay the entire filing fee to commence this action. (ECF No. 3.) The findings and recommendations contained notice that any objections thereto must be filed within fourteen (14) days of service. (*Id.* at 5.) On January 5, 2023, Plaintiff untimely filed his objections due to a change of address and re-service by mail. (*See* Docket.) In his objections, Plaintiff asks the Court to allow time to pay the filing fee. (ECF No. 9.) Plaintiff states that the payment has been sent, however, the Court has yet to receive this payment. (*Id.*; *see* Docket.) Plaintiff requests the Court allow them to proceed in forma pauperis

1 but does not provide argument responsive to the reasoning raised in the findings and
2 recommendations.

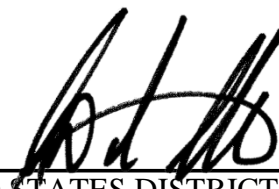
3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
4 de novo review of the case. Having carefully reviewed the entire file, including Plaintiff's
5 objections, the Court concludes that the findings and recommendations are supported by the
6 record and proper analysis.

7 Accordingly,

- 8 1. The findings and recommendations issued on November 18, 2022 (ECF No. 3),
9 are adopted in full;
- 10 2. In accordance with 28 U.S.C. § 1915(g), Plaintiff's application to proceed *in*
11 *forma pauperis* (ECF No. 2), is denied;
- 12 3. Within thirty (30) days following service of this order, Plaintiff shall pay the
13 \$402.00 filing fee in full to proceed with this action;
- 14 4. Failure to pay the required filing fee in full within the specified time will result in
15 the dismissal of this case; and
- 16 5. The matter is referred back to the Magistrate Judge for further proceedings.

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20 IT IS SO ORDERED.

21 Dated: May 31, 2023

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24 UNITED STATES DISTRICT JUDGE
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